

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

HANAIYAH HASSAN,

Plaintiff,

Case No. 07-15014

v.

ANDREW RUSSELL and  
MEDILODGE OF HOWELL,

Hon. John Corbett O'Meara

Defendants.

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**ORDER OF PARTIAL DISMISSAL**

On November 26, 2007, Plaintiff filed a complaint alleging the following causes of action: Count I, sexual harassment in violation of the Elliott-Larsen Civil Rights Act; Count II, intentional infliction of emotional distress; Count III, breach of contract; Count IV, retaliation under state and federal law; Count V, sexual harassment in violation of Title VII of the Civil Rights Act of 1964; and Count VI, assault and battery. Plaintiff does not allege that diversity jurisdiction exists.

Although Plaintiff's Title VII and federal retaliation claims are cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present claims based on state law. This court declines to exercise supplemental jurisdiction over Plaintiff's state law claims so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Accordingly, IT IS HEREBY ORDERED that Counts I, II, III, VI, and the state law

claims in Count IV of Plaintiff's Complaint are DISMISSED.

s/John Corbett O'Meara  
United States District Judge

Date: December 13, 2007

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, December 13, 2007, by electronic and/or ordinary mail.

s/William Barkholz  
Case Manager